

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 04031**, from I-1 Industrial District and R-4 Residential District to P Public Use District, and from I-1 Industrial District to R-4 Residential District, requested by Brian D. Carstens and Associates on behalf of Rose Investments, Inc., on property generally located west of North 33rd Street and south of Apple Street.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Special Permit No. 04023, Flat Iron Crossing Community Unit Plan (04R-173).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/26/04
Administrative Action: 05/26/04

RECOMMENDATION: Approval (8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson and Bills-Strand voting 'yes'; Carroll declaring a conflict of interest).

FINDINGS OF FACT:

1. This change of zone request and the associated community unit plan were heard at the same time before the Planning Commission.
2. The purpose of this change of zone request is to redevelop the former Mo-Pac right-of-way into 34 residential units.
3. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that, while not in strict conformance with the Land Use Plan, the redevelopment for affordable housing and the creativity used for site and architectural design are in general conformance with the zoning ordinance and the Comprehensive Plan.
4. The applicant's testimony is found on p.7. The Director of Urban Development also testified in support (p.8).
5. There was no testimony in direct opposition; however, attorney Larry Albers, on behalf of Kingery Construction Company, the owner and tenant of the property located immediately to the north, requested that a 6' high opaque fence along the north property line be required on the associated community unit plan. The applicant objected to this condition. (See Minutes, p.2-9).
6. On May 26, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Commissioner Carroll had declared a conflict of interest). The Planning Director agrees with the Planning Commission's recommendation not to require a screening fence along the north property line on the associated community unit plan.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 1, 2004

REVIEWED BY: _____

DATE: July 1, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04031

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: **Change of Zone #04031**, Special Permit #04023

PROPOSAL: To obtain a special permit for Flat Iron Crossing Community Unit Plan, change the zoning from I-1, Industrial to R-4, Residential and P, Public and change the zoning from R-4, Residential to P, Public.

LOCATION: Generally located west of N. 33rd Street and South of Apple Street.

WAIVER REQUEST:

Preliminary Plat process
Block length
pedestrian way easement
Lot depth to width ratio
Recreational facility
Location of sanitary sewer main
Sidewalks on one side of the street

LAND AREA:

| | |
|--------------------------------|--------------------------|
| Change of zone from R-4 to P | 0.09 acres, more or less |
| Change of zone from I-1 to P | 0.36 acres, more or less |
| Change of zone from I-1 to R-4 | 4 acres, more or less |
| Special Permit: | 4.41 acres, more or less |

CONCLUSION: While not in strict conformance with the Land Use Plan, the redevelopment of affordable housing and the creativity used for site and architectural design is in general conformance with the Comprehensive Plan and Zoning Ordinance.

RECOMMENDATION:

| | |
|--|----------------------|
| Change of Zone from R-4 to P: | Approval |
| Change of zone from I-1 to P: | Approval |
| Change of zone from I-1 to R: | Approval |
| Special Permit: | Conditional Approval |
| Eliminate the preliminary plat process | Approval |
| Block length | Approval |
| pedestrian way easement | Approval |
| Increase lot depth to width ratio | Approval |
| Sidewalks on one side of the street | Approval |
| Eliminate recreational facility | Approval |

| | |
|---------------------------------|----------|
| Location of sanitary sewer main | Approval |
| Reduce minimum lot area | Approval |
| Reduce minimum lot width | Approval |

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: R-4 and I-1.

EXISTING LAND USE: Warehouse buildings, to be removed.

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|------------------------------------|-----------------------------------|
| North: | Industrial, vacant and residential | I-1, Industrial, R-2, Residential |
| South: | Warehouses, Peter Pan Park | I-1, P, Public |
| East: | Industrial and residential | I-1, R-2 |
| West: | Residential | R-4 |

HISTORY:

Comprehensive Plan Conformance #03008 that determined the property was surplus was approved by the City Council on September 29, 2003.

2003 City of Lincoln Parks and Recreation Department determined that the land was surplus to their needs and pursued a declaration of surplus property finding of conformance with the Comprehensive Plan.

June 8, 2001 City of Lincoln acquires property and plans to use the land for the MoPac trail.

1993 City of Lincoln builds the MoPac trail south of the abandoned railroad right of way.
September 23, 1997 Union Pacific Railroad Company filed for abandonment for use of a trail.

The zoning was updated to I-1, Industrial during the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan indicates this area as Industrial (F-25). The Comprehensive Plan indicates a current trail in the general area (F-95). (This represents the existing MoPac trail just to the south of this site.)

“Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.” (F-65)

“Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.” (F-66)

“Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods.” (F-66)

“Require new development to be compatible with character of neighborhood and adjacent uses” (F-69)

“Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas.” (F-69)

“Maintain existing pattern of streets.” (F-69)

“Encourage public/private partnerships with housing entities including Lincoln Housing Authority, Nebraska Housing Resource, and Neighborhoods, Inc” (F-72)

UTILITIES: Utilities will be provided adjacent to the private roadway.

TRAFFIC ANALYSIS: The internal street is considered a local street and N. 33rd is classified as an Urban Minor Arterial (F-103). An existing drive is located on the east side of the property connecting to N. 33rd street at the proposed location of the private roadway.

AESTHETIC CONSIDERATIONS: This area falls within the reach of the neighborhood design standards. All construction must meet these standards.

ANALYSIS:

1. This is a request to redevelop the former Mo-Pac right-of-way into 34 residential units. The developer indicated these will be affordable housing units.
2. The applicant requests to coordinate the preliminary plat and special permit for community unit plan as allowed under Section 26.31.015. Staff does not object.
3. Due to the unusual configuration of the lot several waivers are needed and other waivers are requested. A waiver to the block length, lot depth to width ratio, minimum lot area and lot width are requested so the developer may increase density and maximize the present infrastructure in the area.
4. The Mo-Pac trail and Peter Pan Park are located immediately to the south of this property. Residents will be able to easily access the trail with without the need for a pedestrian easement. Additionally, the existing park may justify the waiver of recreational facilities on this property, as required by design standards.
5. O'Carrol Street is proposed to function more like an alley, rather than a street. Residential units will be oriented toward the park, with garages in the rear of the units. Therefore, planning staff does not object to waiving the sidewalk requirement on the north side of O'Carrol Street.
6. The landscaping requirement does not apply to these units as they are not multi-family units. Planning staff considers single and two family units exempt from this requirement. Consequently, a waiver is not required.

7. Neighborhood design standards apply to this property. The applicant has met with the urban design committee and is currently working out a design that is compatible with design standards. Concern with the long straight layout of this site is alleviated by the fact that the developer has agreed to provide alternative methods of site construction in order to meet the neighborhood design standards. These alternative methods may include orienting the front-face of the buildings to the park, providing front porches on the south side of the buildings, variation of color, and style. This will be handled entirely through the neighborhood design standards and are not a requirement of this special permit.
8. The applicant indicated that the property owner to the north is interested in changing the zoning to residential, only after this property is proven to be successful. Planning staff is presently evaluating the zoning and land use of the area to determine whether or not a more extensive zoning change to residential is appropriate. Since the railroad is decommissioned and residential abuts the area, planning staff believes this is a good redevelopment of this property.
9. The Lincoln Lancaster County Health Department is concerned about the industrial zoning designation to the north. Since the area is presently unoccupied, with the exception of the building to the east of the property used by the Nebraska Game and Parks Commission, and the neighbor is likely to change the zoning to residential in the near future, planning staff believes the risk factor is minimal. The developer should disclose the Lincoln Lancaster County Health Department's concerns in the subdivision agreement.
10. The Public Works and Utilities Department had several comments about street grades, storm sewers, grading and drainage which are in their attached comments. Additional detail is needed. The Public Works and Utilities Department does not object to the requested waiver for the location of sanitary sewers, block length, and sidewalks on the north side of the private roadway.
11. The property is less than 5 acres, which causes a 20% reduction in allowed dwelling units. Under the R-4 district is allowed 49 units, however, the applicant only requests a total of 34 units. The density calculations and land use must be shown on the site plan.

Prepared by:

Becky Horner, 441-6373, rhomer@ci.lincoln.ne.us
Planner

DATE: May 7, 2004

APPLICANT: Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402)434-2424

OWNER: Rose Investments, Inc.
2057 Wilderness Ridge Drive
Lincoln, NE 68512

City of Lincoln
C/O Real Estate Division

CONTACT: Brian D. Carstens
(402)434-2424

**CHANGE OF ZONE NO. 04031
and
SPECIAL PERMIT NO. 04023,
FLAT IRON CROSSING COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 26, 2004

Members present: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson, and Bills-Strand; Carroll declaring a conflict of interest.

Staff recommendation: Approval.

Ex Parte Communications: None.

These applications were removed from the Consent Agenda and had separate public hearing due to the submittal of a new condition of approval by the Planning staff.

Becky Horner of Planning staff noted that the waiver of street trees has been rescinded by the applicant. There is no longer a request to waive street trees.

Horner advised that she did have the opportunity to speak with the representative for the property owner to the north this morning, who clarified some of their future intent for use of the property, and staff would like to add a condition of approval that a 6' high opaque fence be installed along the north property line until the property to the north potentially develops to residential.

Proponents

1. Brian Carstens presented the application on behalf of the applicant for 34 attached units (17 duplex buildings) located immediately west of the old Hyland Bros. Lumber and located on part of the old abandoned railroad right-of-way. To the south is Peter Plan Park and the existing bike trail. The applicant is proposing 34 dwelling units with a detention cell along 30th Street, while keeping the bike trail pretty much intact. They will be putting in a parking lot to provide additional off-street parking for patrons of the park. The applicant has been working with Urban Development and the government in terms of trading property. The applicant has no objection to the conditions of approval, except the condition added today requiring the fence. There is already a 6' high chain link fence existing on that property to the north and this development will be lowering the street approximately two feet below the property line. They will be able to put some street trees underneath some power lines but they do not want to be required to install additional screening. The backs of the buildings face the rear yard and the fronts are facing the park.

2. Larry Albers appeared on behalf of Kingery Construction Company, the owner and tenant of the property located immediately to the north, generally in support of the proposal. However, there is a concern and inaccuracy in the report which has generated the new condition of approval

requiring the fence. Analysis #8 on page 4 indicates that the property owner to north is intending to change to residential only after this development is proven to be successful. He also pointed out that Analysis #9 indicates that the "...Health Department is concerned about the industrial zoning designation to the north. Since the area is presently unoccupied, with the exception of the building to the east of the property used by the Nebraska Game and Parks Commission, and the neighbor is likely to change the zoning to residential in the near future, Planning staff believes the risk factor is minimal. ...". Albers pointed out that Kingery Construction has had that property as their construction yard for over 30 years. The Abels used it as a construction yard many, many years before that. There are fuel tanks and heavy equipment and trucks that go in and out. There is currently a chain link fence. There are children that will climb over the fence and it happens particularly at night. Kingery has expressed the concern early on with the applicant and staff that there be adequate buffering, whatever that is, and Kingery is concerned whether the existing fence is going to be sufficient. These are probably going to be families with children and there will be the temptation for the children not to just play in the park. The Kingery's want some sort of additional buffering for the safety.

Larson inquired whether the requirement for the fence is a requirement of the developer or the property owner to the north. Horner stated that it would be a requirement of this applicant. She has asked that the landscape plan be revised to show the fence. Albers wants to make sure the opaque fence is in addition to the fence that is there now.

3. Marc Wullschleger appeared on behalf of the Urban Development Department. They have worked with the applicant for over two years on this project and will be supporting it financially with some federal funds. Urban Development would love to see the I-1 zoning changed to residential. This is where most of the complaints come from around the city where industrial backs up to residential. The character of the neighborhood has changed over the years. Urban Development believes this is very appropriate and will add some units to our affordable new construction housing supply. The price range will be around \$130,000.

Wullschleger believes the fence is a good idea.

There was no testimony in opposition.

Taylor inquired whether staff believes that the fencing will be sufficient with the lowering of the sidewalk. Horner could not say with 100% certainty that people might not get over it, but Planning is requesting an opaque fence (wood or vinyl) because it would be more difficult to climb. She is specifically not asking for chain link fence so that it would be more difficult to get across.

Carlson thinks we're going to end up with a "no man's land" between the chain link and the opaque fence. Horner stated that the chain link fence is on the property line. She does not know exactly where the applicant will propose putting the opaque fence. She does not anticipate, however, that there would be very much room between the two fences.

Bills-Strand suggested that the opaque fence will make it difficult to see the kids and be able to call out at them to get them off the property. Wouldn't it be easier to see the kids if it was chain link?

Pearson noted that the condition requires that the fence be located along the north property line. If the existing fence is along the north property line, then they should be right next to each other. Could we amend the condition to require that they replace the existing fence with a 6' high wood fence? Horner stated that the existing chain link fence belongs to the property owner to the north, and she believes they want to keep their fence.

Marvin thinks that if the kids are determined to get into the property, they will be able to get around a wood fence.

Larson inquired as to whose responsibility it is to keep the kids out of the industrial area. It is not the responsibility of the owner of the industrial property?

Response by the Applicant

Carstens suggested that one other plus to having the roadway there is that we are putting in private lighting that will help illuminate that area. They are probably jumping the fence now because it is dark there. He believes that having a view to that area will be more of a security enhancement than putting in the fence. If required, Carstens pointed out that the fence would be immediately north of the dwelling units—not along the western portion. It would be adjacent to Lots 1 to 34.

CHANGE OF ZONE NO. 04031

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carlson moved approval, seconded by Krieser and carried 8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson, and Bills-Strand voting 'yes'; Carroll declaring a conflict of interest. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04023

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Taylor moved to approve the staff recommendation of conditional approval, deleting the new Condition #1.2.2 requiring the fence, seconded by Larson.

Carlson commented that the idea of having the fences back to back is strange. He believes that the property is going to benefit just from this change in general, with the street there. He sees no overwhelming benefit in terms of cost in putting the fences back to back.

Motion for conditional approval, as set forth in the staff report dated May 7, 2004, carried 8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson, and Bills-Strand voting 'yes'; Carroll declaring a conflict of interest. This is a recommendation to the City Council.



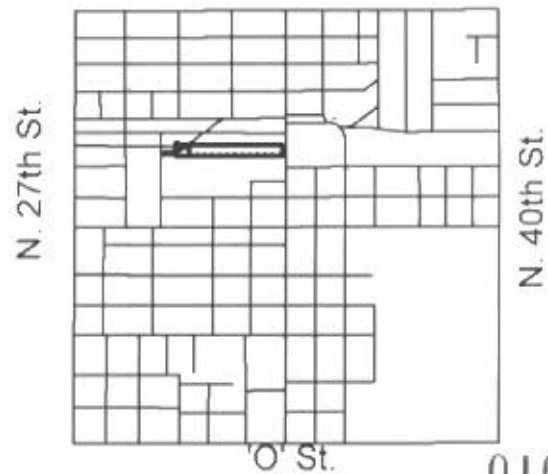
2002 aerial

Change of Zone #04031 N. 33rd & Apple St.

Zoning:

| | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
Sec. 19 T10N R7E



CHANGE OF ZONE FROM 'I-1' TO 'P'

A legal description to include a portion of Lots 1 and 2 Koser Subdivision, and a portion of the vacated Missouri Pacific Railroad, all located in the Northwest Quarter of Section 19 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows.

Commencing at the Southwest corner of Lot 2, Koser Subdivision; Thence North $00^{\circ}06'18''$ West (an assumed bearing) on the East right of way line of North 30th Street, a distance of 19.16 feet; Thence on a curve to the right, having a radius of 20.00 feet, a central angle of $16^{\circ}38'55''$, a chord bearing of North $81^{\circ}34'15''$ East, a chord distance of 5.79 feet; Thence on a curve to the left, having a radius of 313.50 feet, a central angle of $19^{\circ}40'04''$, a chord bearing of North $80^{\circ}03'40''$ East, a chord distance of 107.09 feet to THE POINT OF BEGINNING; Thence continuing on said curve to the left, having a radius of 313.50 feet, a central angle of $7^{\circ}41'37''$, a chord bearing of North $66^{\circ}22'50''$ East, a chord distance of 42.07 feet to a point of reverse curvature; Thence on a curve to the right, having a radius of 286.50 feet, a central angle of $27^{\circ}29'36''$, a chord bearing of North $76^{\circ}16'49''$ East, a chord distance of 136.16 feet; Thence South $00^{\circ}01'37''$ West, a distance of 113.66 feet, to a point on the South line of Lot 1, Koser Subdivision; Thence South $89^{\circ}49'19''$ West, on the South line of Lot 1, Koser Subdivision, a distance of 132.75 feet; Thence North $00^{\circ}02'17''$ East, on the West line of Lot 1, a distance of 24.92 feet; Thence North $87^{\circ}54'30''$ West, on the South line of Lot 2, Koser Subdivision, a distance of 38.91 feet; Thence North $1^{\circ}16'28''$ East, a distance of 38.59 feet to the POINT OF BEGINNING, and containing a calculated area of 15,519.47 square feet more or less.

FLAT IRON CROSSING

CHANGE OF ZONE FROM 'R-4' TO 'P'

A legal description to include a portion of Lot 2 Koser Subdivision, located in the Northwest Quarter of Section 19 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows.

Commencing at the Southwest corner of Lot 2, Koser Subdivision, and the POINT OF BEGINNING; Thence North $00^{\circ}06'18''$ West (an assumed bearing) on the East right of way line of North 30th Street, a distance of 19.16 feet; Thence on a curve to the right, having a radius of 20.00 feet, a central angle of $16^{\circ}38'55''$, a chord bearing of North $81^{\circ}34'15''$ East, a chord distance of 5.79 feet; Thence North $89^{\circ}53'42''$ East, a distance of 40.77 feet; Thence on a curve to the left, having a radius of 313.50 feet, a central angle of $19^{\circ}40'04''$, a chord bearing of North $80^{\circ}03'40''$ East, a chord distance of 107.09 feet; Thence South $1^{\circ}16'28''$ West, a distance of 38.59 feet; Thence South $00^{\circ}08'49''$ East a distance of 1.62 feet; Thence North $89^{\circ}22'52''$ West, on said South line a distance of 150.91 feet to the POINT OF BEGINNING, and containing a calculated area of 3,800.78 square feet more or less.

CHANGE OF ZONE FROM 'I-1' TO 'R-4'

A legal description to include a portion of Lots 1 and 2 Koser Subdivision and a portion of the vacated Missouri Pacific Railroad, all located in the Northwest Quarter of Section 19 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows.

Commencing at the Southwest corner of Lot 2, Koser Subdivision; Thence North 00°06'18" West (an assumed bearing) on the East right of way line of North 30th Street, a distance of 19.16 feet; Thence on a curve to the right, having a radius of 20.00 feet, a central angle of 16°38'55", a chord bearing of North 81°34'15" East, a chord distance of 5.79 feet; Thence North 89°53'42" East, a distance of 40.77 feet; Thence on a curve to the left, having a radius of 313.50 feet, a central angle of 19°40'04", a chord bearing of North 80°03'40" East, a chord distance of 107.09 feet to THE POINT OF BEGINNING; Thence North 1°16'28" East, a distance of 106.92 feet; Thence South 89°30'46" East, a distance of 35.30 feet; Thence South 00°04'35" East, a distance of 20.00 feet; Thence South 89°23'06" East, a distance of 1286.63 feet; Thence South 00°04'03" East, a distance of 30.04 feet; Thence South 00°00'16" East, a distance of 22.70 feet; Thence South 00°02'25" East, a distance of 80.97 feet; Thence South 89°49'19" West, a distance of 1153.66 feet; Thence North 00°01'37" West, a distance of 113.66 feet; Thence on a curve to the left, having a radius of 286.50 feet, a central angle of 27°29'36", a chord bearing of South 76°16'49" West, a chord distance of 136.16 feet to a point of reverse curvature; Thence on a curve to the right, having a radius of 313.50 feet, a central angle of 7°41'37", a chord bearing of South 66°22'50" East, a chord distance of 42.07 feet to the POINT OF BEGINNING, and containing a calculated area of 173,356.26 square feet or 3.98 acres more or less.

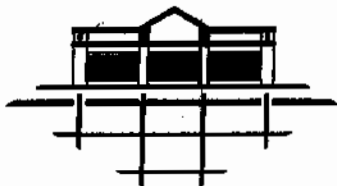
CHANGE OF ZONE FROM 'I-1' TO 'R-4'

A legal description to include a portion of Lot 2, Houtz & Baldwins Subdivision, located in the Northwest Quarter of Section 19 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows.

Commencing at the Northwest corner of Lot 2, Houtz & Baldwins Subdivision; Thence South 89°22'52" East, a distance of 150.91 feet to the POINT OF BEGINNING; Thence North 00°08'49" West, a distance of 1.62 feet; Thence South 87°54'30" East, a distance of 38.91 feet; Thence South 00°02'17" West, a distance of 24.92 feet; Thence South 89°49'19" West, a distance of 38.80 feet; Thence North 00°08'49" West, a distance of 24.84 feet to the POINT OF BEGINNING, and containing a calculated area of 997.89 square feet more or less.

013

APR 26 2004



BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

801 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 22, 2004

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

APR 26 2004

RE: FLAT IRON CROSSING- NORTH 33RD AND APPLE STREETS
CHANGE OF ZONE AND C.U.P./ SPECIAL PERMIT

Dear Marvin,

On behalf of Eugene Carroll of Rose Investments, Inc, we submit the following project for your review.

Flat Iron Crossing is an 'infill' Community Unit Plan located at North 33rd Street, immediately north of Peter Pan Park. The site contains approximately 4.41 acres and is currently zoned 'I-1'. We are requesting a change of zone to 'R-4' with this application.

The development will contain 34 single family attached units in 17 buildings. Each unit will be on its own lot with public water and sanitary sewer. Vehicular access will be provided by a private roadway.

Mr. Carroll has been working with the Parks and Recreation Department to facilitate a property exchange to facilitate this development. The Urban Development Department will also be involved to help with infrastructure needs.

We are requesting the following waivers with this application:

1. Waive the preliminary plat procedures as this is a Community Unit Plan.
2. Waive the maximum block length on O'Carroll Street due to the existing park to the south, and the industrial uses to the north.
3. Waive sidewalks on the north side of O'Carroll Street, as there are only dwelling units located on the south side of the street.

4. Waive the depth to width lot ratio from 3:1 to 4:1, as this is customary in attached single family developments of this type.
5. Waive street trees on the north side of O'Carroll Street, as there is an existing overhead power line that will conflict with street trees in this location.
6. Waive the required landscape screen along the south side of the development, as there is existing mature screening in the park land adjacent to the site. Additional screening will only block the view to the park and bike trail. Having the bike trail open to the proposed units will aid in security along this trail location.
7. Waive the required recreational facility, as this project is located next to an improved City park.
8. Waive the location of the water main from the north side of O'Carroll Street to the south side, and waive the location of the sanitary sewer from the south side to the north side of O'Carroll Street. This will allow for the plumbing taps to be located out from underneath the private roadway pavement.

We are also requesting that the bikeway easement recorded as 96-047204 be released as part of this project. A new 18' bike trail easement is shown to be dedicated north of the proposed detention cell.

We are excited about this infill project in this area of Lincoln. This will be a cooperative effort with private and public funding, which will add to the appearance and livability of the existing neighborhood.

Please feel free to contact me if you have any additional comments.

Sincerely,



Brian D. Carstens

CC. Eugene Carroll- Rose Investments, Inc.

Enclosures: 20 copies of Sheets 1 of 4
8 copies of Sheets 2 through 4 of 4
Application for a Change of Zone
Application for a Special Permit/ C.U.P.
Application Fees
Certificate of Ownership
8-1/2" x 11" Reductions

APR 26 2004